

# TOWN OF MIAMI LAKES, FLORIDA

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## Town Council

Mayor Wayne Slaton  
Vice Mayor Nancy Simon  
Councilmember Roberto Alonso  
Councilmember Mary Collins  
Councilmember Robert Meador II  
Councilmember Michael Pizzi  
Councilmember Richard Pulido

**MINUTES**  
**ZONING COUNCIL MEETING**  
**June 17, 2008**  
**6:01 PM**  
**(Immediately following the LPA Meeting)**  
**Miami Lakes Middle School**  
6425 Miami Lakeway North  
Miami Lakes, Florida 33014

**1. CALL TO ORDER:** Councilmember Mary Collins called the meeting to order at 6:20 p.m. Town Clerk, Debra Eastman, called the roll with the following Councilmembers in attendance as follows: Richard Pulido, Roberto Alonso, Michael Pizzi and Mary Collins.

**2. APPROVAL OF MINUTES:**

January 22, 2008 Zoning Meeting  
February 19, 2008 Zoning Meeting  
April 15, 2008 Zoning Meeting

Councilmember Roberto Alonso made a motion for approval of the above minutes. The motion received a second from Councilmember Michael Pizzi. Councilmember Mary Collins called for the vote and all were in favor.

**3. ORDINANCES- FIRST READING:**

**A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") TO UPDATE AND AMEND ARTICLE 12, FEES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**  
**(Rey)**

Councilmember Roberto Alonso made a motion to defer this item to a date certain. The motion received a second from Councilmember Richard Pulido. Councilmember Mary Collins called for the vote and all were in favor.

**B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 19, "LOT JUNK, GARBAGE AND TRASH CLEARING" OF THE TOWN CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Town Attorney, Kathy Mehaffey read the title of the ordinance. Councilmember Mary Collins state she would like to add acceleration of time in times of on-coming hurricanes. Councilmember Roberto Alonso made a motion to adopt the ordinance on first reading. The motion received a second from Councilmember Michael Pizzi. Town Clerk, Debra Eastman, called the roll and all were in favor.

**4. ORDINANCES- SECOND READING:**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") TO UPDATE AND AMEND: ARTICLE 1, GENERAL PROVISIONS; ARTICLE 2, DECISION MAKING AND ADMINISTRATIVE BODIES; ARTICLE 3, DEVELOPMENT APPROVAL PROCEDURES; ARTICLE 4, ZONING DISTRICT REGULATIONS; ARTICLE 5, ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS; ARTICLE 6, SUPPLEMENTARY USE REGULATIONS; AND ARTICLE 7, ENVIRONMENTAL REGULATIONS; PROVIDING FOR INCLUSION IN THE TOWN LDC; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

Councilmember Mary Collins opened the public hearing. Mirtha Mendez spoke in opposition to the Council continuing to require a supermajority vote of the entire Council in order to pass a variance. There being no one else wishing to speak, Councilmember Mary Collins closed the public hearing.

Councilmember Michael Pizzi made a motion to adopt the ordinance on second reading. The motion received a second from Councilmember Roberto Alonso.

Councilmember Michael Pizzi explained that there were members of the Town Council that supported the elimination of the supermajority vote for practical difficulty. Councilmember Michael Pizzi made a motion to change the ordinance to allow passage of a variance with a supermajority of those Councilmembers present at the meeting, rather than a supermajority of the entire Town Council and to authorize the staff Town Attorney to add the definition to the text. The motion received a second from Councilmember Richard Pulido. Town Clerk, Debra Eastman called the

roll and the motion passed 3-1 with Councilmembers Mary Collins, Richard Pulido and Michael Pizzi voting in favor and Councilmember Roberto Alonso voting in opposition.

Councilmember Richard Pulido made a motion to change the definition of overnight parking to be from midnight to 6 a.m. The motion received a second from Councilmember Roberto Alonso. Town Clerk, Debra Eastman called the roll and the amendment passed 3-1 with Councilmembers Roberto Alonso, Richard Pulido and Mary Collins voting in favor and Councilmember Michael Pizzi voting in opposition.

Councilmember Michael Pizzi asked about denial of a variance with or without prejudice. Town Attorney, Kathy Mehaffey explained that unless designated otherwise, if the action results in denial, it is without prejudice. Councilmember Michael Pizzi made a motion that if the vote results in a 3-3 tie vote, that the benefit of the doubt go to the homeowner, giving them the option to come back again in front of the Town Council. The motion received a second from Councilmember Richard Pulido. Councilmember Michael Pizzi clarified that the Town Attorney place the wording in the appropriate place and that if there is a tie vote, the homeowner be allowed to come back before the Town Council at the next regularly scheduled meeting. Town Clerk, Debra Eastman, called the roll and the amendment passed 3-1 with Councilmembers Michael Pizzi, Richard Pulido and Roberto Alonso in favor and Councilmember Mary Collins in opposition.

Councilmember Mary Collins made a motion to have the painting of walls added to the permit process. The motion received a second from Councilmember Roberto Alonso. Town Clerk, Debra Eastman called the roll and all were in favor.

Councilmember Michael Pizzi made a motion for adoption of the ordinance as amended. The motion received a second from Councilmember Roberto Alonso. Town Clerk, Debra Eastman called the roll and all were in favor.

Town Attorney, Kathy Mehaffey read the quasi-judicial statement. Town Clerk, Debra Eastman, gave the oath to all those wishing to testify at the meeting.

## **5. RESOLUTIONS:**

- A. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.9.B.1.b. OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 37.5 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE WHERE FENCES OR WALLS ARE NOT PERMITTED BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; 2)**

**DIVISION 6.5.B.6.b.(2) OF THE TOWN LDC TO PERMIT AN EXISTING BULKHEAD WATERWARD OF THE TOP OF SLOPE TO THE RESIDENCE TO EXTEND 3.25 FEET ABOVE THE EXISTING GRADE WHERE A WATERSIDE BULKHEAD IS NOT PERMITTED TO EXTEND MORE THAN 1 FOOT ABOVE THE EXISTING GRADE; AND 3) DIVISION 6.5.B.3 OF THE TOWN LDC TO PERMIT AN EXISTING SHORELINE CONTOUR AND ESTABLISHED SLOPE OF A LOT ABOVE WATER TO BE CHANGED OR MODIFIED WHERE THE SHORELINE CONTOUR AND ESTABLISHED SLOPE OF A LOT ABOVE WATER MAY NOT BE CHANGED OR MODIFIED WITH THE EXCEPTION OF INTERLOCKING BLOCK, CONCRETE, WOOD OR SIMILAR MATERIAL BULKHEADS OR DECKS, FOR PROPERTY LOCATED AT 6360 LAKE JUNE ROAD. (Rey)**

Town Attorney, Kathy Mehaffy read the title of the resolution. Director of Planning and Development, Maria Crowley, explained the recommendation of staff.

Carry Barsch, representing the Graham Companies explained the project and asked that the staff recommendation be modified to allow 2 years to obtain a permit rather than 1 year. Roger Fry, Architect for the Graham Companies spoke about the design and showed visuals of the proposed development.

Councilmember Mary Collins opened the public hearing. Pedro Carballo asked about traffic concurrency for this project. Mirtha Mendez spoke about the entrance to the apartments and questioned if there is any mitigation for traffic and school concurrency. There being no one else wishing to speak, Councilmember Mary Collins closed the public hearing.

Councilmember Michael Pizzi asked about the traffic counts on 154<sup>th</sup> Street. Susan Danielson from Town Engineering firm, Kimley Horn, explained the check and reconstruction of the applicant's data.

At the request of Councilmember Michael Pizzi, Stu Wylie spoke regarding the project and the addition of a right turn lane on 154<sup>th</sup> Street. Councilmember Michael Pizzi stated he would have preferred for the traffic engineer to have made a presentation at this meeting. Councilmember Roberto Alonso stated his concern that the proposal is to put 15 units per acre at the heart of the expressway.

Stu Wylie suggested that the item be deferred until they are able to address all of the concerns presented by the Town Council. Councilmember Roberto Alonso made a motion to defer this item to a time certain. The

motion received a second from Councilmember Mary Collins. Town Clerk, Debra Eastman called the roll and all were in favor.

Councilmember Michael Pizzi made a motion to defer the remainder of the agenda items to the August 19, 2008 Zoning Meeting. The motion received a second from Councilmember Richard Pulido. Councilmember Mary Collins called for the vote and all were in favor.

- B. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY CONSTRUCTED OF ALUMINUM WHERE CANOPIES MAY ONLY BE CONSTRUCTED OF CANVAS, FABRIC OR VINYL, AND PIPE OR CBS CONSTRUCTION TO MATCH THE RESIDENCE; 2) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 14 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED; 3) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 110.78 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 4) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED SETBACK 1.9 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 5) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED SETBACK 0.7 FEET FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 6) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 7.5 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED; 7) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (NORTH) SIDE YARD; 8) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (SOUTH) SIDE YARD; 9) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 1.1 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; AND 10) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 0.1**

**FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 16360 NW 91ST COURT. (Rey) Deferred to August 19, 2008.**

- C. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A REQUEST FOR SITE PLAN APPROVAL FILED IN ACCORDANCE WITH DIVISION 3.4 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (“THE TOWN LDC”) [APPROVING/DENYING] A SITE PLAN FOR RESIDENTIAL USES AS APPLIED TO A PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH 120 RESIDENTIAL APARTMENT UNITS IN THE BU-2 (SPECIAL BUSINESS DISTRICT) PERMITTED ONLY UPON APPROVAL AFTER A PUBLIC HEARING, FOR PROPERTY LOCATED AT 7601 MIAMI LAKES DRIVE. (Rey) Deferred to August 19, 2008.**
- D. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A REQUEST FOR SITE PLAN APPROVAL SUBMITTED IN ACCORDANCE WITH DIVISION 3.4 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (“THE TOWN LDC”) TO 1) APPROVE A SITE PLAN FOR AN ADDITION TO A DAY CARE AND CHURCH FACILITY, AND 2) AMEND RESOLUTION NO. 4-ZAB-402-83, BY MODIFYING CONDITIONS #7 AND #8 OF RESOLUTION 4-ZAB-402-83, WHICH RESTRICTED AGES OF CHILDREN AND HOURS OF OPERATION FOR THE RELATED DAYCARE USE ON THE SUBJECT PROPERTY, FOR PROPERTY LOCATED AT 6701 MIAMI LAKEWAY SOUTH. (Rey) Deferred to August 19, 2008.**
- E. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 9.4.C.3.d OF THE TOWN LDC TO PERMIT A PROPOSED STANDING MONUMENT SIGN SETBACK 5 FEET FROM THE FRONT (SOUTH) PROPERTY LINE WHERE A 7 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 5801 MIAMI LAKES DRIVE EAST. (Rey) Deferred to August 19, 2008.**
- F. A RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION**

**9.4.C.2.e OF THE TOWN LDC TO PERMIT A PROPOSED WALL MOUNTED SIGN WITH A MAXIMUM CAPITAL LETTER HEIGHT OF 54 INCHES FOR A SINGLE-TENANT BUILDING EXCEEDING 20,000 SQUARE FEET WHERE THE MAXIMUM CAPITAL LETTER HEIGHT FOR A SINGLE-TENANT BUILDING EXCEEDING 20,000 SQUARE FEET SHALL BE 30 INCHES; AND 2) DIVISION 9.4.C.2.k OF THE TOWN LDC TO PERMIT A PROPOSED WALL MOUNTED SIGN WITH A MAXIMUM CAPITAL LETTER HEIGHT OF 54 INCHES FOR A BUILDING IN THE BU DISTRICT FRONTING ON THE RED ROAD CANAL RIGHT OF WAY WHERE THE MAXIMUM CAPITAL LETTER HEIGHT FOR A BUILDING FRONTING ON THE RED ROAD CANAL RIGHT OF WAY SHALL BE 30 INCHES FOR PROPERTY LOCATED AT 16100 NW 57TH AVENUE. (Rey) Deferred to August 19, 2008.**

**6. FUTURE MEETINGS:**

July 8, 2008 REGULAR MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:30 PM  
August 19, 2008 ZONING MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:00 PM

**7. ADJOURNMENT:** There being no further business to come before the meeting, it adjourned at 8:10 p.m.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Wayne Slaton, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk